

# 106<sup>th</sup> TN General Assembly

## First Regular Session



**Thursday, March 26, 2009**

Senate – 17<sup>th</sup> Legislative Day      House – 18<sup>th</sup> Legislative Day

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### SENATE

#### BILLS / RESOLUTIONS

Received from House, held on Senate desk – HB's 1, 83, 274, 278, 306, 307, 402, 411, 580, 643, 956, 1438, 1624, 1877, 2043, 2375.

- SR 0049 by \*Stanley**  
Memorials, Recognition - Mary-Carter Mullins, AAA Patroller of the Year -
- SJR 0184 by \*Black**  
Memorials, Recognition - Dr. Warren Nichols -
- SJR 0185 by \*Beavers**  
Memorials, Academic Achievement - Cassie Rutherford, Salutatorian, Smith County High School -
- SJR 0186 by \*Beavers**  
Memorials, Academic Achievement - Jordan Andrew Bradford, Valedictorian, Gordonsville High School
- SJR 0187 by \*Beavers**  
Memorials, Academic Achievement - Mary Beth Birdwell, Valedictorian, Clay County High School -
- SJR 0188 by \*Beavers**  
Memorials, Academic Achievement - Karlee Brooke Driver, Valedictorian, Macon County High School -
- SJR 0189 by \*Beavers**  
Memorials, Academic Achievement - Kevin Garnett, Salutatorian, Macon County High School -
- SJR 0190 by \*Beavers**  
Memorials, Academic Achievement - Kelly Nicole Merriman, Salutatorian, DeKalb County High School -
- SJR 0191 by \*Beavers**  
Memorials, Academic Achievement - Taylor Bambas, Valedictorian, Heritage Christian Academy -
- SJR 0192 by \*Beavers**  
Memorials, Academic Achievement - Lindsey Laureigh, Salutatorian, Clay County High School -
- SJR 0193 by \*Beavers**  
Memorials, Academic Achievement - Hannah Im, Valedictorian, Red Boiling Springs High School -
- SJR 0194 by \*Beavers**  
Memorials, Academic Achievement - Cristen Jaime Friddell, Salutatorian, Heritage Christian Academy -
- SJR 0195 by \*Beavers**  
Memorials, Academic Achievement - Bethany Jean Patch, Valedictorian, Red Boiling Springs High School -
- SJR 0196 by \*Beavers**  
Memorials, Academic Achievement - Amanda Scott, Salutatorian, Clay County High School -

(Senate Resolutions cont.)

**SJR 0197 by \*Beavers**

Memorials, Academic Achievement - Amber Craighead, Valedictorian, Clay County High School -

**SJR 0198 by \*Haynes**

Memorials, Retirement - Eddie Partlow -

**SJR 0199 by \*Burks**

Memorials, Personal Achievement - Adam Gothard, North American Livestock Expo first place -

**SJR 0200 by \*Crowe**

Memorials, Personal Occasion - Dr. Nat Edens "Ed" Hyder, Jr., 80th birthday -

**\*SJR 0201 by \*Berke**

General Assembly, Directed Studies - Directs the department of human services to review the impact of Vocational Rehabilitation Order of Selection on the mentally ill. -

**SJR 0202 by \*Henry**

Memorials, Death - Robert Morgan Simms -

**SJR 0203 by \*Yager**

Memorials, Recognition - Colonel Wiley Harris, Distinguished Leaders Award -

**SJR 0204 by \*Tracy**

Memorials, Recognition - Captain Todd Spearman and Investigative Assistant Lisa Maddox -

### **THIRD CONSIDERATION**

#### **Consent Calendar:**

SJR's 167, 168, 170, 171, 172, 173, 174, 176 – ADOPTED 32-0.

SR 45 – ADOPTED 32-0.

SR 46 – RE-REF to Calendar.

HJR's 205, 206, 207, 209, 211, 212, 214 – CONCURRED 32-0.

#### **Consent Calendar #2:**

SB 168 – s/c HB 306 – PASSED 32-0.

SB's 169, 445, 550 – PASSED 32-0.

SB 551 – s/c HB 307 – PASSED 32-0.

SB 912 – s/c HB 580 – PASSED 32-0.

SB 919 – s/c HB 278 – PASSED 32-0.

SB's 1917, 1939, 1947, 2039, 2233 – PASSED 32-0.

HJR 177 – CONCURRED 32-0.

SJR 153 – RE-SET to 3/30/09.

SJR 158 – ADOPTED 32-0.

SJR 159 – ADOPTED 32-0.

#### **Consent Calendar #3:**

HJR's 215, 233, 234 – CONCURRED 32-0.

#### **Regular Calendar:**

SB 100 – Amd. #1 ad. – PASSED AS AMENDED 31-0.

SB 242 – Amd. #1 ad. – PASSED AS AMENDED 32-0.

SB 268 – Amd. #1 ad. – PASSED AS AMENDED 32-0.

SB 389 – Amd. #1 ad. – PASSED AS AMENDED 30-0.

SB 1208 – Amd. #2 ad. – PASSED AS AMENDED 30-0-1.

SB 2047 – Amd. #1 ad. – PASSED AS AMENDED 31-0.

HB 990 – PASSED 30-0.

SR 35 – ADOPTED 30-0.

SB 1034 – Amd. #1 ad. – PASSED AS AMENDED 31-0.

SB 1046 – Amd. #1 ad. – PASSED AS AMENDED 30-0.

SB 1011 – Amd. #1 ad. – PASSED AS AMENDED 31-0l.

SB 1012 – Amd. #1 ad. – PASSED AS AMENDED 32-0.

SB 1058 – Amd. #1 ad. – PASSED AS AMENDED 32-0.

(Third Considerations - Regular Calendar cont.)

SB 356 – Amd. #1 ad. – PASSED AS AMENDED 32-0.  
SB 805 – Amd. #1 ad. – PASSED AS AMENDED 32-0.  
SB 355 – Amd. #1 ad. – PASSED AS AMENDED 31-0.  
SB 115 – Amd. #1 ad. – PASSED AS AMENDED 32-0.  
SB 853 – Amd. #1 ad. – PASSED AS AMENDED 32-0.  
SB 2105 – Amds. #1, 2 ad. – PASSED AS AMENDED 32-0.  
SB 309 – RE-SET to 3/2/09.  
SB 755 – Amd. #1 ad. – PASSED AS AMENDED 32-0.  
SB 1214 – s/c HB 1877 – PASSED 32-0.  
SB 1393 – PASSED 32-0.  
SB 1623 – PASSED 31-0.  
SB 2049 – PASSED 30-0.

### **OTHER ACTION**

SJR 6 – s/r ADOPTED 31-0.  
SJR 200 – s/r ADOPTED v.v.  
SJR 202 – s/r ADOPTED v.v.  
SB 489 – Placed on 3/31 committee calendar.  
HJR 252 – s/r CONCURRED v.v.  
HJR 249 – s/r CONCURRED v.v.

### **COMMITTEE CALENDARS FOR TUESDAY, MARCH 31, 2009**

COMMERCE, LABOR & AGRICULTURE – SHR #12 – 12:30 p.m. –  
SB's 1954, 1176, SJR 139, SB's 1165, 2103, 1456, 2284, 2131, 1210, 41, 59, 2310, 324, 2241.  
EDUCATION – SHR #12 – 3:30 p.m. –  
SB's 680, 676, 2133, 893, 620, 621, 1173, 2056, 1073, 1925, 1084.  
STATE & LOCAL GOVERNMENT – SHR #12 – 8:30 a.m. –  
SB's 150, 1600, 1288, 1564, 1149, 1647, 2093, 298, 2205, 88, 2191, 164, 832, 1359, 811, 116, 695, 605, 1543, 1546, 2208, 890, 653, 1162, 1166, 2258, 2245, 1448, 2252, 1972, 1973, 1982, 145, 872, 1955, 2157, 1420.  
TRANSPORTATION – SHR #12 – 10:30 a.m. –  
Consent: SB 1528, HJR's 59, 92.  
Regular: SB's 11, 536, 1686, 2289, 921, 2276, 768, 971, 1309.

### **COMMITTEE CALENDARS FOR WEDNESDAY, APRIL 1, 2009**

FINANCE, WAYS & MEANS – SHR #12 – 1:00 p.m. –  
Regular: SB's 291, 322, 393, 395, 440, 804, 1086, 1088, 1089, 1158, 1443, 1931, 2149, 2211, 2305, SJR 86.  
Consent: SB's 405, 712, 1556, 1758, 1759, 2344.  
GENERAL WELFARE, HEALTH & HUMAN RESOURCES – SHR #12 – 11:00 a.m. –  
SB's 9, 772, 939, 1716, 1714, 809, 2006, 2265, 644, 851, 855, 464, 465, 466, 606, 2019, 2234, 2275.  
GOVERNMENT OPERATIONS – SHR #12 – 10:00 a.m. –  
SB's 1048, 1171, 2120, 1010, 1049, 1057, 1916.  
JUDICIARY – SHR #12 – 8:00 a.m. – And again at 3:00 p.m. –  
SB's 672, 673, 2115, 1907, , 554, 1126, 2005, 113, 312, 2136, 392, 456, 2282, 910, 449, 810, 32, 70, 1283, 1783, 2254, 2296, 35, 261, 579, SJR 77.

### **MESSAGE FROM THE GOVERNOR**

SJR's 65, 120, 121, 123, 124, 128, 129, 130, 131, 132, 134, 135, 136, 137, 177 – SIGNED 3/25/09.

**SENATE CONVENES AT 5:00 P.M., MONDAY, MARCH 30, 2009**

# HOUSE

## BILLS / RESOLUTIONS

3/23 – Received from Senate, held on House desk – SB's 217, 323, 421, 540, 614, 874, 1221, 2048, 2050, 2216, 2221.

Received from Senate, held on House desk – SB's 33, 73, 256, 437, 447, 684, 801, 802, 850, 996, 1021, 1038, 1039, 1055, 1178, 1218, 1268, 1455, 1582, 1675, 1803, 1810, 2020, 2262, 2273.

**HJR 0238 by** \*Fitzhugh, Barker

Memorials, Death - Billy S. Yates -

**HJR 0239 by** \*Armstrong, Tindell

Memorials, Recognition - Bingham Group -

**HJR 0240 by** \*Hackworth, Ferguson

Memorials, Retirement - Chuck Carringer -

**HJR 0241 by** \*Hackworth, Ferguson

Memorials, Recognition - Howard McCloud -

**HJR 0242 by** \*Dennis

Memorials, Recognition - Lieutenant David Killingsworth, Department of Safety -

**HJR 0243 by** \*Eldridge

Memorials, Professional Achievement - Whisperin' Bill Anderson, 2008 Poet's Award Winner -

**HJR 0244 by** \*Eldridge

Memorials, Recognition - Little Jimmy Dickens -

**\*HJR 0245 by** \*Niceley

Memorials, Congress - Expresses opposition to federal legislation prohibiting the transporting and processing of horses. -

**HJR 0246 by** \*Weaver

Memorials, Academic Achievement - Kaycie Whittemore, Valedictorian, Macon County High School -

**HJR 0247 by** \*Weaver

Memorials, Academic Achievement - Kesha Staley, Valedictorian, DeKalb County High School -

**HJR 0248 by** \*Weaver

Memorials, Academic Achievement - Jaclyn Jordan, Valedictorian, Red Boiling Springs High School -

**HJR 0249 by** \*Pitts, Johnson P, Johnson C, Armstrong, Barker, Bass, Bell, Bone, Borchert, Brooks K, Brooks H, Brown, Camper, Campfield, Carr, Casada, Cobb T, Cobb C, Cobb J, Coleman, Coley, Cooper B, Curtiss, Dean, DeBerry J, DeBerry L, Dennis, Dunn, Eldridge, Evans, Faulkner, Favors, Ferguson, Fincher, Fitzhugh, Floyd, Ford, Fraley, Gilmore, Hackworth, Halford, Hardaway, Harmon, Harrison, Harwell, Hawk, Haynes, Hensley, Hill, Jones S, Jones U, Kelsey, Kernell, Litz, Lollar, Lundberg, Lynn, Maddox, Maggart, Matheny, Matlock, McCord, McDaniel, McDonald, McManus, Miller L, Montgomery, Moore, Mumpower, Naifeh, Niceley, Odom, Pruitt, Ramsey, Rich, Richardson, Roach, Rowland, Sargent, Shaw, Shepard, Shipley, Sontany, Stewart, Swafford, Tidwell, Tindell, Todd, Towns, Turner L, Turner M, Watson, Weaver, Williams, Windle, Winningham, Yokley

Memorials, Sports - Austin Peay State University womens' basketball team, OVC champion -

**HJR 0250 by** \*Pitts, Johnson P, Johnson C

Memorials, Professional Achievement - Robert Bosch LLC and Mark Lenz, Silver Star of Excellence honorees -

**HJR 0251 by** \*Hawk

Memorials, Death - Former Representative Zane C. Whitson, Jr. -

**HJR 0252 by** \*Curtiss

Naming and Designating - "Certified Government Financial Manager Month," March 2009 -

## **SECOND CONSIDERATION**

**3/24/09**

Commerce – HB 2289

State & Local Government – HB 2301.

**3/25/09**

CONSERVATION & ENVIRONMENT – HB 2366.

HEALTH & HUMAN RESOURCES – HB 1656.

STATE & LOCAL GOVERNMENT – HB 1670.

## **THIRD CONSIDERATION**

### **Consent Calendar:**

HJR's 225, 226, 227, 228, 229, 230 – ADOPTED 96-0-1.

HJR's 231, 232, 235, 236, 237, 238, 239 – ADOPTED 96-0-1.

SJR's 155, 156, 157, 160, 161, 162, 163, 164, 165 – CONCURRED 96-0-1.

### **Regular Calendar:**

HB's 533, 291 – RE-SET to 4/2/09.

HB 1084 – s/c SB 378 – PASSED 97-0.

HB 1725 – RE-REF to S&L.

HB 82 – RE-SET to 4/2/09.

HB 921 – s/c SB 73 – Amds. #1, 2 ad. – PASSED AS AMENDED 81-16.

HB 69 – RE-ST to 4/2/09.

HB 1877 – Amd. #1 ad. – PASSED AS AMENDED 95-0.

HB 54 – HELD on desk.

HB 1665 – Amd. #1 ad. – PASSED AS AMENDED 89-3-3.

HB 1056 – PASSED 96-0.

## **OTHER ACTION**

HJR 249 – s/r Intro., ADOPTED 96-0-1.

HJR 252 – s/r Intro., ADOPTED 96-0-1.

HB 1180 – Re-referred to Civil Practice and placed on next calendar.

HB 1215 – Recalled from Rural Roads; referred to Public Safety and placed on next calendar.

HB's 1497, 1498, 1918 – Recalled from Small Business; referred to Utilities & Banking and placed on next calendar.

SJR 202 – s/r CONCURRED 94-0-1.

## **COMMITTEE REPORTS**

CALENDAR & RULES – HHR #16 – 8:00 a.m. –

Reg. Cal. 3/30 – HB's 1757, 804, 380, HR 30, HB's 1391, 483, 509, 2309.

Con. Cal. 3/30 – HB's 298, 305, 1611.

Action def. – HB's 1041, 1045.

## **COMMITTEE CALENDARS FOR TUESDAY, MARCH 31, 2009**

AGRICULTURE – HHR #29 – 9:15 a.m. –

HB's 2359, 789, 113, 2163, 413, 2307.

CALENDAR & RULES – HHR #16 – 8:00 a.m. –

HJR 51, HB's 626, 645, 748, 440, 249, SJR 85, HB's 75, 470, 1550, 1551, HJR 121, HB's 1654, 1912, 1463, 231, 994, 1004, 1029, 1034, 1044.

(3/31 Committee Calendars cont.)

COMMERCE – HHR #16 – 9:15 a.m. –

HB's 595, 1420, 644, 888, 1375, 2199, 2329, 1698, 1517.

CONSERVATION & ENVIRONMENT – HHR #29 – 10:30 a.m. –

HB's 661, 2294, HR 36, HJR 149, HB's 1424, 2111.

FINANCE, WAYS & MEANS – HHR #16 – 1:30 p.m. –

HB's 16, 273, 310, 336, 383, 453, 1211, 1272, 1494, 1820, 2110.

HEALTH & HUMAN RESOURCES – HHR #16 – 10:30 a.m. –

HB's 702, 2215, 50, 1603, 2041, 2270.

STATE & LOCAL GOVERNMENT – HHR #16 – 12:00 noon –

HB's 563, 1357, 1720, 2378, 726, 356, 889, 1117, 1549, 2365, 875, 876, 957, 2042, 1628, 1573, 1845, 1847, 1978, 1979, 1989, 1990, 2242, 616, 395, 713, 894, 2288, 1246, 2256, 1387, 1413, 2057, 38, 1558, 1831, 2007, HJR 7, HB's 2274, 1601.

TRANSPORTATION – HHR #16 – 3:00 p.m. –

HJR 116, HB's 1164, 253, 1480, 205, 107, 1853, 706, 1382.

### **COMMITTEE CALENDARS FOR WEDNESDAY, APRIL 1, 2009**

CHILDREN & FAMILY AFFAIRS – HHR #16 – 8:30 a.m. –

HB's 677, 1439, 329.

EDUCATION – HHR #16 – 11:00 a.m. –

HJR 33, HB's 849, 102, 782, 92, 374, 975.

GOVERNMENT OPERATIONS – HHR #29 – 10:00 a.m. –

HB's 1245, 1512, 996, 997, 1010, 1013, 1018, 1022, 1023, 1028, 1042, 1054, 1057, 1061, 1062, 1072, 1079, 1092, 1095, 1098, 1099, 1103, 1815, 1816.

JUDICIARY – HHR #31 – 8:30 a.m. & 3:30 p.m. –

HB's 620, 623, 326, 409, 355, 730, 250, 232, 1108, 604, 241, 1244, 1247, 1615, 2099, 2157, 1527, 264, 703, 389, 2306, 391, 1267, 918, 4, 1146, 1141, 1142, 587.

### **SUBCOMMITTEE CALENDARS FOR TUESDAY, MARCH 31, 2009**

CIVIL PRACTICE & PROCEDURE – HHR #31 – 12:00 noon –

HB's 2254, 1832, 126, 130, 736, 527, 676, 680, 1379, 1576, 1689, 1384, 1385, 1762, 2154, 2370, 2296, 1554, 1405, 1519, 1183, 2015, 675, 1840, 841, 1598, HJR 108, HB's 1407, 914, 2109, 608, 1457, 1736, 2243, 1357, HJR 103.

CONSUMER AFFAIRS – HHR #30 – 8:30 a.m. –

HB's 550, 764, 2218, 1278.

EMPLOYEE AFFAIRS – HHR #29 – 1:30 p.m. –

HB's 1619, 776, HJR 27, HB's 1760, 1161, 1571, 2162, 480, 2324.

ENVIRONMENT – HHR #29 – Immediately following Conservation –

HB's 899, 977, 1619.

FAMILY JUSTICE – HHR #30 – 9:15 a.m. –

HB's 542, 2159, 459, 929, 5.

HIGHER EDUCATION – HHR #29 – 8:30 a.m. –

HB's 1294, 1152, 880, 881, 2031, 1296, 1870, 1869, 1864, 1861, 1862, 1488, 1143, 1686, 1668, 839, 835, 1163, 870, 2008, 1544, 2130.

PROFESSIONAL OCCUPATIONS – HHR #31 – 8:30 a.m. –

HB's 106, 464, 1114, 1353, 1465, 1495, 2303, 2250, 1552, 1053, 2266, 2336, 1344, 481.

PUBLIC HEALTH & FAMILY ASSISTANCE – HHR #30 – 4:00 p.m. –

HB's 2286, 151, 445, HJR's 66, 88, 127.

PUBLIC SAFETY – HHR #16 – Immediately following Transportation –

HB's 1605, 1638, 2052, 1426, 982, 541, 1179, 1910, 1256, 2069.

RURAL ROADS – HHR #31 – 1:30 p.m. –

HB's 2330, 1165, 100, 2326, 1215.

UTILITIES & BANKING – HHR #30 – 10:30 a.m. –

HB's 1712, 1349, 738, HJR 146, HB's 792, 1497, 1498, 1918.

(3/31 Subcommittee Calendars cont.)  
WILDLIFE – HHR #30 – 2:15 p.m. –  
HB's 361, 2366.

### **SUBCOMMITTEE CALENDARS FOR WEDNESDAY, APRIL 1, 2009**

BUDGET – HHR #29 – 11:00 a.m. –  
HB's 294, 343, 2179, 2277, 301, 949, 916, 1311, HJR's 3, 150, HB's 716, 2264, 959, HJR 115, HB's 814, 62, 66, 1367, 347, 2140, 487, 488, 491, 602, 1934, 960, 1543, 18, 268, 284, 1667.  
CRIMINAL PRACTICE & PROCEDURE – HHR #31 – 12:00 noon –  
HB's 314, 583, 1639, 1938, 1395, 1292, 1778, 1118, 363, 856, 855, 503, 233, 770, 489, 490, 823, 798, 972, 1625, 724, 1225, 112, 747, 2115, 898, 2081, 1807, 1793, 1801, 1805, 1806.  
DOMESTIC RELATIONS – HHR #29 – 12:30 p.m. –  
HB's 806, 1366. Hearing on HB 2136.  
ELECTIONS – HHR #31 – 10:00 a.m. –  
HB's 845, 891, 519, 614, 1838.  
GENERAL SUB – HHR #29 – 3:30 p.m. –  
HB's 537, 727, 14, 530.  
HEALTH CARE FACILITIES – HHR #30 – 12:30 p.m. –  
HB's 684, 1843, 1295, 1942, 2278.  
INDUSTRIAL IMPACT – HHR #30 – 10:00 a.m. –  
HB's 272, 475, 1562, 1742, 2367, 1671, 1461, 1721, 2304, 2105, 1703.  
K-12 – HHR #16 – 10:00 a.m. –  
HB's 207, 208, 209, 375, 376, 59, 60, 122, 983, 694, 1873, 688, 883, 1170, 854, 2094, 1377, 281, 948, 114, 864, 976, 2026, 1823, 1508, 836, 1493, 1682, 679, 1560, 1441, 1647.  
LOCAL GOVERNMENT – HHR #29 – 9:15 a.m. –  
HB's 1659, 304, 469, 559, 492, 493, 1160, 1352, 1535, 1905, 2073, 2074, 2075, 2127, 2177, 341, 1155.  
PARKS & TOURISM – HHR #16 – 12:30 p.m. –  
HB 1444.  
STATE GOVERNMENT – HHR #29 – 8:30 a.m. –  
HB's 670, 1115, 2349, 2357, 1714, 1346, 2313, 2170, 52, 2301, 242, 1670, HJR 52.

### **MESSAGE FROM THE GOVERNOR**

HJR's 49, 163, 170, 171, 174, 187, 188, 189, 190, 202, 208 – SIGNED 3/25/09.

**HOUSE CONVENES AT 5:00 P.M., MONDAY, MARCH 30, 2009**